



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

April 13, 2018

Summary of Cases Accepted and Related Actions During Week of April 9, 2018

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#18-53 *People v. Fontenot*, S247044. (B271368; nonpublished opinion; Los Angeles County Superior Court; NA093411.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Is attempted kidnapping a lesser included offense of kidnapping? (See *People v. Bailey* (2012) 54 Cal.4th 740, 753; *People v. Martinez* (1999) 20 Cal.4th 225, 241.)

#18-54 *People v. Boatwright*, S246944. (H044347; nonpublished opinion; Santa Clara County Superior Court; C1640087.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#18-55 *People v. Cavalier*, S247197. (D071517; nonpublished opinion; San Diego County Superior Court; SCN350362.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#18-56 *People v. Little*, S247279. (D071414; nonpublished opinion; San Diego County Superior Court; SCD268739.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#18-57 *People v. Lopez*, S246632. (H043323; nonpublished opinion; Santa Clara County Superior Court; C1526411.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Boatwright*, *Cavalier*, *Little*, and *Lopez* deferred pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on

appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

#18-58 *People v. Burrell*, S247306. (B280063; nonpublished opinion; Los Angeles County Superior Court; MA060633.) Petition for review after the Court of Appeal affirmed an order denying a post-conviction motion to modify sentence. The court ordered briefing deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#18-59 *People v. Torres*, S247387. (H044687; nonpublished opinion; Santa Clara County Superior Court; CC599313.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in The court ordered briefing deferred pending decision in *People v. Franco*, S233973 (#16-218), and *Caretto v. Superior Court*, S235419 (#16-268), which concern, respectively, the value of an uncashed forged check and the value of an unused stolen debit card for the purpose of distinguishing between misdemeanor and felony receiving stolen property in violation of Penal Code section 496, subdivision (a).

#18-60 *People v. Torres*, S247437. (C083981; nonpublished opinion; El Dorado County Superior Court; S14CRF0012.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Ruiz*, S235556 (#16-312), which presents the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Heath & Saf. Code, § 11372.7, subd. (a)) based on a defendant's conviction for conspiracy to commit certain drug offenses?

DISPOSITION

The following case was transferred for reconsideration in light of *People v. Martinez* (2017) 2 Cal.5th 1093:

#15-80 <i>People v. Gordon</i> , S225318	(C075825; nonpublished opinion; Butte County Superior Court; CM038133)
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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.